UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 November 2010</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>4,5,7-23 and 25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>4, 5, 7-23, and 25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This final rejection is in response to Applicant's amendment and arguments filed on

11/11/2010. Applicant amends 4, 7, 11, 17, 22, 23, and 25 and cancels claims 1-3, 6, and 24.

Accordingly, Applicant presents claims 4, 5, 7-23, and 25 for further examination.

I.   RESPONSE TO ARGUMENTS

Applicant amends the independent claims to clarify that the steps and functionality of the

invention are performed by the same server. Applicant points out that Duigou teaches a

discovery service that offloads the search to an XML search facility and information passed back

to the client comes directly from the search facility and not the device implementing the service.

Applicant argues that Duigou does not teach performing the claimed steps within a single server.

Applicant's arguments are not persuasive because Duigou's discovery service is not interpreted

as the claimed server.

Specifically, the rejection relied on Duigou's discovery front end to teach the element

that parses the contents of the message. This front end may then pass on the parsed content to

the search facility which performs the search of the parsed content. The front end and search

facility are both elements in the same device [Fig. 4: illustrating both the front-end and the

search facility enclosed in the same device]. Duigou describes a server as "any platform capable

of receiving and fulfilling messages" [column 13 «line 66» to column 14 «line 1»]. The device

housing the front end and search facility may therefore be interpreted as a server because the

device receives messages (at the front end) and fulfills the search (at the facility).

For the foregoing reason, Applicant's argument is not persuasive. The rejection as set

forth in the previous action are therefore maintained. See the following claim rejections for

specific citations addressing the newly added claim limitations.

II.   CLAIM REJECTIONS - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

**A.   Claims 4, 5, 7-15, 17-20, 22, 23, and 25 are rejected under 35 U.S.C. 103(a) as
being unpatentable over Duigou et al., U.S. Patent No. 7.412.518 ["Duigou"],
in view of Carey et al., U.S. Patent Number 6,714,793 ["Carey"].**

In the following mapping, all citations are to Duigou unless otherwise noted.

Claims 4 and 22

Duigou as modified by Carey discloses a system and method comprising:

receiving a first instant message from a sender [column 7 «lines 4-15»: disclosing a

mobile client at a physical location | column 13 «lines 38-62»: disclosing a client that can send

messages containing "a string specifying something to locate" & Carey, column 1 «lines 60-65»:

teaching instant messages];

determining a location of the sender [column 85 «lines 6-54»];

parsing contents of the first instant message in a server to determine a meaning of the contents [Fig. 4 | column 13 «lines 45-54»: a discovery front end parses the string within the request message where the front end is one component of a device (i.e., server)];

finding information in the server related to the meaning of the contents of the first instant message and the location of the mobile device [column 13 «lines 45-54»: the front-end sends the parsed contents to an internet search facility | column 26 «lines 58-65»: the search facility performing the search of the contents];

building the contents of a second instant message in the server based on the information [column 13 «lines 45-54»: the discovery front end receives the results of the search and builds an array of strings as an XML message]; and

sending the second instant message to the sender [column 14 «lines 58-60» | column 15 «lines 20-31»: returning the results of the requested search back to the mobile device & Carey, col. 1, lines 60-65], wherein the contents of the second instant message are dependent on the location of the sender and the meaning of the contents of the first instant message [column 13 «lines 45-54»: results are returned based on the string identifying something to locate (i.e., meaning) | column 35 «line 57» to column 36 «line 44 | column 85 «lines 6-54»: where results of the search may include "information about restaurants, weather, maps, traffic, movie information, etc., within a certain distance (radius) of the client device" (i.e., location)].

While Duigou discloses that the mobile terminal may query a server via a message, Duigou does not explicitly disclose that the messages are instant or immediate messages. Nonetheless instant message communication among wireless and non-wireless environments was well known in the art as evidenced by Carey.

In similar art, Carey discloses a system and method for instant message communication in a wireless and non-wireless environment wherein messages are sent from a mobile unit device over a wireless communication network (col. 1, lines 60-65). Given the teachings of Carey, it would have been obvious to a person having ordinary skill in the art to modify Duigou's system to include instant messaging capabilities in order to provide subscribers with the benefits of real-time communication on a constantly open communication channel.

It would be advantageous to communicate via instant text message because text messaging as compared to voice communications is less costly since it utilizes less bandwidth, and is more efficient than playing phone tag or waiting for e-mail replies. See Carey, col. 1, lines 47-58. Accordingly, text instant messaging is an efficient cost effective way of communicating. Therefore, the aforementioned limitation would have been an obvious modification to Duigou's system.

Claims 5, 11, and 23

Duigou as modified by Carey discloses that the method further comprises:

the contents of the second instant message include information about services, businesses, hotels, rental car companies, gas stations, restaurants, hospitals or dry cleaners relative to the location of the mobile device [column 85 «lines 13-17»: information about restaurants].

Claim 7

Duigou as modified by Carey discloses a server, comprising:

data indicating a location of a mobile device [column 86 «lines 1-39»]; and

a personal-assistance controller to parse a request from the mobile device to determine a

meaning of the request [column 13 «lines 45-54»: parsing the string within the request message]

and to send information to the mobile device [column 85 «lines 11-17»], wherein the information

is based on the location of the mobile device and the meaning of the request [column 13 «lines

45-54»: results are returned based on the string identifying something to locate (i.e., meaning) |

column 35 «line 57» to column 36 «line 44 | column 85 «line 67» to column 86 «line 39»:

location].

Claims 8, 14, and 16

Duigou as modified by Carey discloses wherein the mobile device is connected via a

long-lived connection [column 85 «lines 55-65»].

Claim 9

Duigou as modified by Carey discloses wherein the personal-assistance controller is to

send an instant message to the mobile device [column 14 «lines 58-60» | column 15 «lines 20-

31»: returning the results of the requested search back to the mobile device & Carey, col. 1, lines

60-65: sending instant messages], wherein the instant message comprises the information

[column 13 «lines 45-54»: sending a message comprising results of the search to the client].

Claim 10

Duigou as modified by Carey discloses a location database comprising the location of the

mobile device and the information, wherein the information is specific to the location of the

mobile device [column 86 «lines 1-9»].

Claims 13 and 19

Duigou as modified by Carey discloses the request and the response are both instant

messages [Carey, col. 1, lines 60-65: teaching instant messages from a wireless device]. See

rejection of claims 4 and 22 for reasons to combine Duigou and Carey.

Claims 15 and 20

Duigou as modified by Carey discloses that the first immediate message further

comprises sending the first immediate message to a user name identified in a buddy list [Carey

col. 8, lines 8-18]. See the rejection of claim 4 for reasons to combine Carey's instant messaging

functionality into Duigou's mobile proximity discovery services.

Claim 25

Duigou as modified by Carey discloses that the location of the sender comprises a

location of a hotspot access point [column 87 «lines 19-24»: local distributed computing

environment reads on hotspot access point].

Claims 12 and 17

The claims contain limitations substantially the same as those previously rejected in

claims 4 and 7 above. Therefore, claims 12 and 17 are rejected for at least the same reasons set

forth for claims 4 and 7. Additionally the hotspot access point is functionally equivalent to

Duigou's local distributed computing environment].

Claim 18

Duigou as modified by Carey discloses that the personal-assistance controller is to

determine the location of the one of the plurality of hotspot- access points via the presence data

[column 85 «lines 50-54»: using GPS to determine location of local distributed computing environment].

B.   Claims 16 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Duigou and Carey, in further view of Kay et al., U.S. Patent No. 6.430.602 ["Kay"].

Duigou as modified by Carey and Kay discloses the user name identifies a program executing on an instant-messaging server (i.e., associated entry in the buddy list) [Kay, column 2 «lines 33-46» | column 4 «lines 49-57»: disclosing a server program with the screen name ACTIVEBUDDY that responds to user inquiries].

Like Duigou, Kay is directed to a system for responding to a user's queries to a server. Further like Duigou, Kay discloses that a user submits a query to a server, the server reads the meaning of the query, and returns a response to the user based on the meaning of the user's query [Kay, column 3 «lines 6-28»]. However, Kay further discloses that the user sends the query to a name on the user's contact list where the name corresponds to a program that appears as ACTIVEBUDDY on user's buddy list that is running on the server.

It would have been obvious to one of ordinary skill in the art to have modified Duigou's service discovery system to include the instant messaging program taught in Kay. Kay's feature would have improved Duigou's messaging system by allowing users to instant message automated programs in order to access and retrieve data [Kay, column 1 «line 63» to column 2 «line 7»].

III.   CONCLUSION

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-

3942. The examiner can normally be reached on Monday to Friday [10 am - 6 pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOHM CHANKONG/
Primary Examiner, Art Unit 2452